

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Tiffani Nussbaum, et al.,)	
)	CASE NO. 5:11 CV 2322
Plaintiffs,)	
)	
v.)	<u>MEMORANDUM OPINION AND</u>
)	<u>ORDER</u>
Technical International Supply Corp., et al.,)	
)	
)	
Defendants.)	

The Court referred this case to Magistrate Judge Burke for general pretrial supervision. On July 24, 2012, default was entered against Third Party Defendant RGD Enterprises, Inc. ECF 58. Subsequently, Third Party Plaintiffs moved for default judgment against Third Party Defendant RGD Enterprises in the amount of \$46,243.35. ECF 64. There has been no opposition to Third Party Plaintiffs' motion for default judgment.

Magistrate Judge Burke filed a Report and Recommendation recommending that Third Party Plaintiffs' motion for default judgment be granted in part and denied in part. ECF 75. Specifically, Magistrate Judge Burke recommends that: (1) judgment be entered in favor of Third Party Plaintiffs Millennium Colorworks, Inc. and Technical International Supply Corp. dba Technical Tattoo Supply & Manufacturing Co., Inc. and against Third Party Defendant RGD Enterprises, Inc. in the amount of \$32,000.00 as contribution; and (2) Third Party Plaintiffs' motion for attorney fees and expenses as indemnification be denied.

(5:11 CV 2322)

Under the relevant statute:

[T] magistrate judge shall file [her] proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties.

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

No objections have been filed to Magistrate Judge Burke's report and recommendation. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge Burke's Report and Recommendation and adopts the same. Accordingly, Third Party Plaintiffs' motion for default judgment is granted as to contribution in the amount of \$32,000, and denied as to attorney fees and expenses (indemnification). A Judgment Entry will be separately published.

IT IS SO ORDERED.

October 26, 2012
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge